

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

DEC 18 2006

JOHN F. CORCORAN, CLERK
BY: 
DEPUTY CLERK

DONELL J. BLOUNT, SR.,
Plaintiff,

v.

GENE M. JOHNSON, et al.,
Defendants.

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Civil Action No. 7:04CV00429

ORDER

By: Hon. Glen E. Conrad
United States District Judge

For the reasons stated in the accompanying memorandum opinion, it is now

ORDERED

as follows:

1. The Magistrate Judge's Report and Recommendation is adopted in part and rejected in part;
2. Any claims related to the plaintiff's subsequent application for the common fare diet shall be and hereby are dismissed without prejudice;
3. Final judgment shall be and hereby is entered in favor of the defendants as to the plaintiff's excessive force claim against J. Fleming and T. Vanover; the plaintiff's failure to protect claim against H. Grear and R. Sutherland; and the plaintiff's official capacity claims against Duncan Mills; and
4. The plaintiff's "motion to incorporate affidavit" (docket #136) shall be and hereby is denied as moot.

The Clerk is directed to set this matter for a hearing on the remaining objection to the Magistrate Judge's Report and Recommendation. The Clerk is further directed to send certified

copies of this order and the accompanying memorandum opinion to the plaintiff.

ENTER: This 15th day of December, 2006.

A handwritten signature in black ink, appearing to read "J. Paul Conrad".

United States District Judge